

**ARKANSAS PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL  
BAIL BONDSMAN LICENSING BOARD  
October 10, 2003**

Chairman Don Smith called the meeting to order at 9:00 a.m.

Roll call was taken and the following members were present: Don Smith, Frank Sturgeon, Eugene Reynolds, Marc Oudin, Phyllis Carruth,. Gary Edwards, and Xollie Duncan were absent. Also present were Assistant Attorney General Alice Lightle, Executive Director, Linda Longstreth, Board staff and members of the audience.

Following a review of the Board Minutes for September 12, 2003. Sturgeon moved to approve. Carruth seconded. Motion carried.

**OLD BUSINESS**

**License Approvals:**

Seventeen (17) non-controversial license applications and five(5) non-controversial tentative license applications were submitted for Board approval. Longstreth informed the Board that there was a controversial license application and asked that they address the regular license approvals prior to submission of the controversial item. Sturgeon moved to approve the listed license approvals and tentative license approvals. Oudin seconded. Motion carried

**Controversial License/Ricky Jones**

Longstreth advised the Board that Ricky Jones applied for an Arkansas bail bondsman license and that he lives on Texas side of Texarkana. His residence is listed as Bowie County. Further he is an investigator for attorneys in both Arkansas and Texas. Mr. Jones agreed to discontinue working as an investigator for Arkansas attorneys, if the Board opts to issue him a bail bondsman license. Alice Lightle informed the Board that she researched the issues of border city exemption and attorney employment for Mr. Jones. She advised that Mr. Jones would be unable to work for any attorneys, if the Board granted a license. The border city issue is more complex and she explained that most residency requirements for any licensing boards have been struck down as unconstitutional. Unless the Board can prove that there is a substantial state interest in having a license issued pursuant to a residency requirement. In addition, the discrimination practiced against non-residents must bear a substantial relationship to the state's objective. After discussion, Sturgeon moved to issue a license pursuant to Mr. Jones agreeing to forego all investigative duties for attorneys. The motion died for lack of a second. Oudin moved to delay licensing until an Attorney General's Opinion has been received. Reynolds seconded. Motion carried. Carruth objected.

**Forfeitures:**

The Forfeiture Report was provided for the Board's information. Longstreth requested that the Board vote to suspend the bail bond company license of those companies listed with forfeitures due and payable between October 10, 2003 and November 14, 2003. Carruth moved to suspend the bail bond company license of any company with forfeitures due and payable between October 10, 2003 and November 14, 2003, if the company fails to pay by close of business on the day the forfeiture is due. Sturgeon seconded. Motion carried.

## **NEW BUSINESS**

### **September Vouchers Paid:**

Longstreth presented the September vouchers paid and offered to respond to questions. There being none, the Board proceeded.

### **Attorney General's Response:**

Longstreth informed the Board that a response to the Board's second request for an opinion on whether a person can be employed as a civil process server and still hold a bail bondsman license. The response indicated that the issue would have to be addressed on a case by case basis. The Board was asked to vote concerning the issue. Oudin explained that on page four(4) of the opinion it was states that the Board would likely prevail in allowing an individual to hold both licenses because the bail bondsman does not become a surety for the purpose of bail bonding; therefore, he moved to allow bail bondsman to be civil process servers as well. Reynolds seconded. Motion carried. Carruth opposed.

### **Settlement Offer:**

The Burns Bail Bond Co. settlement offer from the First National Bank of Northeast Arkansas was introduced and the Board advised that a synopsis of events was included in the packet. Burns Bail Bond Co. had a total \$36,000 posted with the Board. When demand was made for payment, Cross County Bank, which held a \$5,000.00 CD, paid off as required. First National Bank of Northeast Arkansas, which held a \$5,000.00 CD and a \$26,000.00 LOC, refused payment. The issue with First National is the basis for the settlement offer. Longstreth explained that had the bank remitted the funds for which they are legally liable, the amount would have been \$31,000.00; however, the bank is offering to remit \$25,952.35. Oudin moved to accept the bank's settlement offer. Reynolds seconded. Motion carried.

### **Remand from Circuit Court:**

Affordable Bail Bonds Case No. 97-044 was heard by the Board in 1996. Subsequent to the Board's Order, an appeal was filed in Pulaski County Circuit Court. The case was remanded to the Board in January 2000 so that new evidence could be presented. The Board upheld its original ruling so the case was again appealed to Pulaski County Circuit Court. On September 2, 2002, Judge Willard Proctor again remanded the case to the Board for submission of evidence. The Board was asked to vote on how they wanted to handle the remand. Carruth moved to issue a Notice of Hearing to Affordable bail Bonds so that the new evidence can be presented. Reynolds seconded. Motion carried.

### **Public Comments:**

Chairman Smith asked for Public Comments. There being none the meeting was adjourned to hearings.

Submitted for approval:

This 14th day of November, 2003 \_\_\_\_\_  
Chairman